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8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11
12 CENTURY OF PROGRESS
13 PRODUCTIONS; CHRISTOPHER
14 GUEST; ROB REINER
15 PRODUCTIONS; UNITED HEATHEN;
and SPINAL TAP PRODUCTIONS,

16 Plaintiffs,

17 v.

18 VIVENDI S.A.; STUDIOCANAL;
19 RON HALPERN, an individual; and
DOES 1 through 10, inclusive,

20 Defendants.
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Case No. 2:16-cv-07733-DMG-AS

FIRST AMENDED COMPLAINT FOR:

- (1) Breach of Contract;
- (2) Breach of the Implied Covenant of Good Faith and Fair Dealing;
- (3) Fraud;
- (4) Accounting; and
- (5) Declaratory Relief Re: Trademark (28 U.S.C. § 2201)

DEMAND FOR JURY TRIAL

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PRELIMINARY STATEMENT

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1. The initiation of a lawsuit against Vivendi to vindicate the rights of the creators of *This Is Spinal Tap* has generated widespread attention. As reflected on the website, *www.fairnessrocks.com*, the suit has already been successful in inspiring other artists to speak out for fairness in the film, music and merchandising industries. Harry Shearer is now joined by Christopher Guest, Rob Reiner, Michael McKean and Spinal Tap Productions to file this First Amended Complaint.

2. Harry Shearer, creator of the radio and podcast program "Le Show," and voice of some twenty-three characters on "The Simpsons," is co-creator of the movie classic *This Is Spinal Tap*, in which he performed as the musician Derek Smalls.

3. Christopher Guest co-created *This Is Spinal Tap* and performed as the musician Nigel Tufnel. Mr. Guest is also known for having written, directed and starred in films including "Waiting for Guffman," "Best in Show," "A Mighty Wind," "For Your Consideration," and "Mascots."

4. Rob Reiner co-created *This Is Spinal Tap* and performed as its director Marty DiBergi. Mr. Reiner is known for his work in notable films and television series, including his Emmy Award winning performances in "All in the Family" and as director of, among others, "Stand by Me," "The Princess Bride," "When Harry Met Sally...", "Misery," "A Few Good Men," and "The American President."

5. Michael McKean co-created *This Is Spinal Tap* and performed as the musician David St. Hubbins. Mr. McKean is also known for his performances in the films "Best in Show" and "A Mighty Wind" (in which he reunited with Guest and Shearer as The Folksmen), on "Saturday Night Live" and in the television series "Laverne & Shirley" and "Better Call Saul."

6. *This Is Spinal Tap* and its music, which Shearer, Guest, McKean and Reiner co-wrote, including such songs as "Sex Farm" and "Stonehenge," have

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1 remained popular for more than thirty years, and have earned considerable sums for
2 the French conglomerate Vivendi S.A.

3 7. But not for the creators. Defendant Vivendi and its agents, including
4 StudioCanal executive Ron Halpern, have engaged in anti-competitive business
5 practices by manipulating the accounting between Vivendi film and music
6 subsidiaries and have engaged in fraud to deprive the Spinal Tap creators of a fair
7 return for their work.

8 8. To address this fraud, Mr. Shearer through his company Century of
9 Progress Productions ("CPP"), Mr. Guest, Mr. Reiner through his company
10 Rob Reiner Productions, Mr. McKean through his company United Heathen and
11 Spinal Tap Productions ("Plaintiffs") bring the present action seeking not less than
12 four hundred million dollars (\$400,000,000) in compensatory and punitive damages.
13 CPP has also issued notices of copyright termination and has filed trademark
14 applications to secure creative rights. CPP seeks a judicial declaration vindicating
15 those rights, which have been abandoned by Vivendi.

16 9. Since the movie's release in 1984, *This Is Spinal Tap* music,
17 merchandise, classic phrases and images have become ubiquitous in popular culture.
18 The movie itself had two theatrical releases and has been re-sold in a number of
19 commercial formats. A series of companies has profited from merchandising,
20 music, film, television and video rights. For many years, Vivendi and its
21 subsidiaries, including Canal Plus, StudioCanal, StudioCanal Image and Universal
22 Music Group ("Vivendi"), have claimed and administered many of these rights and
23 have been responsible for accounting to Plaintiffs.

24 10. But according to Vivendi, the four creators' share of total worldwide
25 merchandising income between 1984 and 2013 was \$81 (eighty-one) dollars.
26 Between 1989 and 2013 total income from music sales was \$98 (ninety-eight)
27 dollars. Over the past three years, Vivendi has failed to provide accounting
28 statements at all.

1 11. Vivendi has engaged and is continuing to engage in anti-competitive
2 and unfair business practices and has abandoned its obligations to enforce
3 intellectual property rights in *This Is Spinal Tap*, unlawfully depriving Plaintiffs of
4 substantial revenues. Vivendi has also failed, and continues to fail, to account
5 honestly for income actually received from *This Is Spinal Tap*.

6 **THE PARTIES**

7 12. Plaintiff Century of Progress Productions ("CPP") is a California
8 corporation with its principal place of business in Sherman Oaks, California.

9 13. Plaintiff Christopher Guest ("Guest") is a citizen of California,
10 residing in Los Angeles.

11 14. Plaintiff Rob Reiner Productions ("RRP") is a California corporation
12 with its principal place of business in Beverly Hills, California.

13 15. Plaintiff United Heathen ("UH") is a California corporation with its
14 principal place of business in Woodland Hills, California.

15 16. Plaintiff Spinal Tap Productions ("STP") is a California corporation
16 that was incorporated on May 6, 1982 and at all times was entirely owned by CPP,
17 Guest, RRP and UH. Defendants have an ongoing duty to account and pay to STP
18 and its owners all royalties and other monies due under the May 7, 1982 Agreement
19 at issue in this lawsuit. STP was dissolved in or about June 1986, and brings this
20 action pursuant to California Corporations Code § 2010 to collect and distribute to
21 its owners all royalties and other monies owed by Defendants.

22 17. Defendant Vivendi S.A. ("Vivendi") is a French corporation
23 headquartered in Paris, France, doing business in and engaging in acts affecting
24 Plaintiffs within this judicial district.

25 18. Defendant StudioCanal ("Canal") is a subsidiary of Vivendi,
26 headquartered in Paris, France, doing business in and engaging in acts affecting
27 Plaintiffs within this judicial district.

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1 and seven songs. In the process of attempting to turn that short film into a feature-
2 length movie, they formed a joint partnership, "Spinal Tap Productions" ("STP"),
3 which they incorporated on May 6, 1982. On the strength of this work, on May 7,
4 1982, Guest and the personal services corporations of Reiner, Shearer, and McKean,
5 as co-owners of STP, signed an agreement (the "Agreement") with Embassy Pictures
6 ("Embassy") for production, financing, and distribution of the motion picture
7 *This Is Spinal Tap* ("TIST" or "the Film").

8 26. Under the terms of the Agreement, STP and the personal services
9 corporations of its principals Reiner, Shearer, Guest and McKean were to receive
10 fixed, deferred and contingent compensation for their services in the form of profit
11 participation payments based on all sources of revenue, including, without
12 limitation, merchandise and music.

13 27. TIST was released in 1984. The renowned Chicago Sun film critic
14 Roger Ebert described TIST as "absolutely inspired" in a 1984 review that well
15 summarized the Film's appeal:

16 Rock musicians never die, they just fade away, and
17 "This Is Spinal Tap" is a movie about a British rock
18 group that is rocketing to the bottom of the charts. It also
19 is one of the funniest, most intelligent, most original films
20 of the year.

21 The movie looks like a documentary filmed during the
22 death throes of a British rock band named Spinal Tap.
23 It is, in fact, a satire. The rock group does not really exist,
24 but the best thing about this film is that it could. The
25 music, the staging, the special effects, the backstage
26 feuding and the pseudo-profound philosophizing are right
27 out of a hundred other rock groups and a dozen other
28 documentaries about rock.

The group is in the middle of an American tour. The tour
is not going well. Spinal Tap was once able to fill giant
arenas, but its audiences have grown smaller and smaller,
and concert dates are evaporating as the bad news gets
around. No wonder. Spinal Tap is a bad rock 'n' roll
band. It is derivative, obvious, phony and pretentious, and
it surrounds itself with whatever images seem commercial
at the moment (a giant death's head on stage, for one).

1 The movie is absolutely inspired in the subtle way it
 2 establishes Spinal Tap's badness. The satire has a deft,
 3 wicked touch. Spinal Tap is not that much worse than,
 4 not that much different from, some successful rock bands.
 5 A few breaks here or there, a successful album, and they
 6 could be back in business. (Proof of that: A soundtrack
 7 album, "Smell the Glove," is getting lots of airplay with
 8 cuts like "Sex Farm").

9 28. TIST was quickly recognized as a unique film with long-term appeal,
 10 as shown in its later inclusion in "best ever" lists such as *The New York Times Guide*
 11 *to the Best 1,000 Movies Ever Made*; *Entertainment Weekly's 100 Greatest Movies*
 12 *of All Time* where it appeared on the "Just Too Beloved to Ignore" list; and the
 13 *100 Greatest Movies of All Time* list published by Total Film. Confirming TIST's
 14 strong international appeal and following, in 2011 *Time Out London* named the film
 15 number one on its list of The 100 Best Comedy Movies. In 2002, the National Film
 16 Registry of the Library of Congress designated TIST as a culturally, historically, or
 17 aesthetically significant film. TIST still enjoys popularity on television, home video,
 18 and other media, including a 25th Anniversary Blu-Ray DVD release in 2009.

19 29. TIST was produced on a shoestring budget of approximately \$2.25
 20 million dollars. On information and belief, TIST's enduring popularity has
 21 generated tens of millions of dollars in revenue in the thirty years since its original
 22 theatrical release, and its associated intellectual property has substantial value.

23 **The Terms of the Original 1982 Production Agreement**

24 30. The Agreement was drafted in several sections, including an eleven-
 25 page letter agreement with details of overall rights, personal services, and
 26 compensation; a one-page Exhibit A Instrument of Transfer; a 48-page Exhibit B
 27 Standard Terms and Conditions, a fourteen-page Exhibit 1 to Exhibit B Formula
 28 for Computing Net Receipts, and a four-page Exhibit 2, Standard Delivery Items.
 The Agreement is signed by Guest as President of STP, and includes Inducement
 Letters on behalf of their personal services corporations from Shearer (on behalf of

1 Century of Progress Productions), Reiner (on behalf of Rob Reiner Productions),
2 Guest (on behalf of himself), and McKean (on behalf of United Heathen).

3 31. Paragraph 12 of the Agreement acknowledges that STP "is entirely
4 owned by Rob Reiner Productions, United Heathen, Century of Progress
5 Productions and Christopher Guest" and the Inducement Letters acknowledge that
6 Rob Reiner Productions, United Heathen, Century of Progress Productions and
7 Christopher Guest each "own one quarter (1/4) of all the shares of [STP]."
8 Paragraph 13 of the Agreement further provides that "Embassy shall endeavor to
9 add [STP], Rob Reiner Productions, United Heathen, Century of Progress
10 Productions, Reiner, Shearer, McKean and Guest as additional named insureds in its
11 errors and omissions insurance policy."

12 32. The Agreement includes identification of the creative team's essential
13 services as screenwriters, composers/songwriters and actors, and in the case of
14 Reiner, additional directorial duties.

15 33. The Agreement specified various sums of fixed compensation for the
16 creative team, as well as contingent compensation calling for a split of Net Receipts
17 60% to Embassy and 40% to STP (¶ 4a and 4b). With respect to the songs in the
18 Film, all of which were composed by Shearer, Guest, McKean and Reiner,
19 the Agreement calls for payment of 50% of the gross receipts from said music as
20 well as a 6% performers' royalty plus a 3% producer royalty of the retail price of
21 any soundtrack albums (¶ 6).

22 34. Under the Agreement, Embassy promises, *inter alia*, to send
23 Earnings Statements to STP showing the calculation of Net Receipts, first on a
24 monthly, then quarterly, and after approximately three years, on an annual basis.
25 But Vivendi, Embassy's successor-in-interest, has breached and continues to breach
26 these promises.

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1 notices of copyright termination for publishing and recording rights in Spinal Tap
2 songs he co-wrote and co-recorded, as well as in the film itself.

3 **CPP Investigates Defendants' Accounting and**
4 **Discovers their Fraudulent Conduct**

5 38. In 2013, in anticipation of TIST's upcoming 30th Anniversary in 2014,
6 CPP commissioned a study of the accounting statements and revenue streams
7 associated with TIST. CPP learned the results of that study in or around
8 November 2013.

9 39. CPP then first discovered that Vivendi had engaged in a pattern of anti-
10 competitive and unfair business practices, had abandoned enforcement of valuable
11 TIST rights, and had willfully concealed and manipulated years of accountings to
12 retain monies due and owing to Plaintiffs. Guest, RRP and UH did not become
13 aware of the bases for their claims until after the initial complaint in this lawsuit was
14 filed on October 17, 2016.

15 40. Examples of Defendants' willful misconduct designed to deprive
16 Plaintiffs of the benefit of the promises made in the Agreement include but are not
17 limited to:

- 18 • failure to remit statements and accountings, with gaps occurring in
19 years that would have enhanced revenue;
- 20 • improper expense deductions;
- 21 • failure to account for monies received, including a 2004 settlement
22 payment received from MGM Home Video totaling over \$1.6 million
23 dollars for underreported VHS and DVD revenues, when statements
24 for the year 2004 were never submitted to Plaintiffs by Defendants;
- 25 • undocumented marketing and promotion expenses allegedly incurred
26 years after release totaling over \$2.5 million dollars;
- 27 • undocumented charges to "Freight and other Direct Costs" totaling
28 over \$500,000 over several years, allegedly incurred almost *twenty*
years after the film's initial release;

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- 1 • failure to account for monies under the terms of the Agreement as
- 2 "actually received by Embassy in the United States";
- 3 • failure to collect revenue on merchandise and for use of material
- 4 protected by Spinal Tap trademarks and copyrights.

5 41. Ron Halpern, during his management of the exploitation of TIST,
6 repeatedly assured Plaintiffs' manager at the time, Harriet Steinberg, that he and his
7 staff were fully complying with the underlying Agreement, were providing accurate
8 and reliable accountings to Plaintiffs, and were using all available means to promote
9 Spinal Tap assets and enforce Spinal Tap intellectual property to maximize revenue
10 for the Spinal Tap creators. These assurances by Mr. Halpern and Vivendi have
11 continued to the present day. Plaintiffs have reasonably relied on these assurances.
12 But the statements by Ron Halpern and Vivendi were knowingly false when made.
13 Despite Plaintiffs' reasonable diligence, CPP was unaware until in or around
14 November 2013, and the remaining plaintiffs were unaware until after the initial
15 complaint in this lawsuit was filed in October 2016, that Mr. Halpern, Vivendi and
16 its subsidiaries had intentionally engaged in an extended and outrageous pattern of
17 fraud and misconduct.

18 42. In advance of the theatrical re-release of the film in 2000, managed
19 for Canal by Ron Halpern, Mr. Shearer was asked to fly to London to meet with
20 Halpern. During that meeting, a luncheon at the Groucho Club, Mr. Halpern
21 informed Mr. Shearer that, in accord with Mr. Shearer's preferences to support
22 "indies" – independent, creative, entrepreneurial companies – the United Kingdom
23 re-release rights were being assigned to a small "boutique" distributor, who would
24 welcome Shearer's personal involvement in marketing and advertising advice for
25 the re-release. Mr. Shearer responded by sharing ideas with Halpern at that meeting.
26 When Shearer returned to Los Angeles, he learned that in fact the United Kingdom
27 distributor was not an independent "boutique," but a subsidiary of Metro-Goldwyn-
28 Mayer. Mr. Shearer knew then that Ron Halpern was mendacious. But Shearer

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1 never imagined, until his review of a report in or around November 2013, that
2 Halpern was capable of the level of deception and willingness to subvert
3 contractual obligations that characterized Halpern's mistreatment of the Spinal Tap
4 creators.

5 43. On information and belief, the conduct described here, including
6 financial accounting, intellectual property and legal policies and practices of Canal
7 and Universal Music Group, as well as the personal practices of Ron Halpern, are
8 coordinated, controlled and directed by Vivendi. Canal, Universal Music Group and
9 Ron Halpern are both ostensible and actual agents for Vivendi, and Vivendi has
10 liability for the acts of each of these agents.

11 44. Vivendi is also liable for the conduct of Canal, Universal Music Group
12 and Ron Halpern as alleged herein under an alter ego theory of liability because,
13 at all relevant times, there existed a unity of interest and ownership between them
14 such that any separate corporate personalities no longer exist and adherence to the
15 fiction of their separate existence would permit an abuse of the corporate form and
16 would sanction fraud and promote injustice against Plaintiffs.

17 45. Vivendi touts itself as "an integrated media and content group" which
18 "operates businesses throughout the media value chain, from talent discovery to the
19 creation, production and distribution of content" though its "main subsidiaries"
20 Canal and Universal Music Group.

21 46. Vivendi's subsidiaries do not have interests independent from Vivendi
22 with respect to the exploitation of media and accounting obligations owed to
23 Plaintiffs. They operate in practice as arms or divisions of Vivendi, responsible for
24 administering Vivendi's accounting obligations under the direction and control of
25 Vivendi. As reported in November 2015, Canal and Universal Music Group both
26 "boosted Vivendi's results ... as the French conglomerate continues its
27 transformation into a global media and entertainment company."
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1 trademark registration applications with the USPTO for the mark SPINAL TAP as
2 shown in Exhibit 1 hereto. In or about March 2002, as shown in Exhibit 2 hereto,
3 the rights to those marks were conveyed to StudioCanal Image, a Vivendi subsidiary
4 that subsequently merged into Canal, which is still identified by the USPTO as the
5 last listed owner for those federal registrations.

6 51. Defendants subsequently abandoned, with no intent to resume, all rights
7 to the SPINAL TAP marks, and the federal registrations for those marks were
8 cancelled by the USPTO in 2011 and 2012 as shown in Exhibit 1 hereto. As
9 additional evidence of such abandonment, Defendants did not oppose a trademark
10 application filed on December 27, 2013 by Heretic Brewing Company to register
11 the mark SPINAL TAP in connection with "beer" products, and that mark was
12 registered by the USPTO on April 7, 2015 as shown in Exhibit 3 hereto.

13 52. Because the SPINAL TAP marks have been abandoned by Defendants,
14 CPP has filed applications for federal registrations of the marks SPINAL TAP and
15 DEREK SMALLS as set forth in Exhibits 4 through 7 hereto.

16 **COUNT I**

17 **Breach of Contract**

18 **(Against Vivendi and Canal)**

19 53. Plaintiffs repeat and reallege the allegations set forth in Paragraphs
20 1 through 52 above, as if fully set forth herein.

21 54. Defendants Vivendi and Canal, through their predecessor-in-interest
22 Embassy entered into the May 7, 1982 Agreement with Spinal Tap Productions
23 ("STP") which was entirely owned by CPP, Guest, RRP and UH. Defendants have
24 an ongoing duty to account and pay to STP and its owners all royalties and other
25 monies due under the Agreement. STP, although dissolved in or about June 1986,
26 has the right to prosecute this action against Defendants to enforce the Agreement
27 and collect and distribute to its owners all royalties and other monies owed them
28 pursuant to California Corporations Code § 2010.

1 fraudulent accounting practices until approximately November 2013, and the other
2 plaintiffs did not discover the bases for their claims until after the initial complaint
3 in this lawsuit was filed on October 17, 2016.

4 67. As a result of Defendants' fraud, Plaintiffs have been damaged in
5 amounts to be proven at trial.

6 68. Defendants' conduct was willful, wanton and oppressive, and designed
7 maliciously to steal from, deceive and injure Plaintiffs. Plaintiffs are entitled to an
8 award of punitive damages to punish and deter this conduct.

9 **COUNT IV**

10 **For an Accounting**

11 **(Against Vivendi, Canal and Ron Halpern)**

12 69. Plaintiffs repeat and reallege the allegations set forth in Paragraphs
13 1 through 68 above, as if fully set forth herein.

14 70. Defendants were obligated to provide to Plaintiffs statements accurately
15 reflecting the amount of revenues derived from the distribution and exploitation of
16 *This is Spinal Tap* and associated music, merchandise and other rights, and to remit
17 to Plaintiffs their share of revenues.

18 71. Despite demand therefor, Defendants have failed and refused, and
19 continue to fail and refuse, to provide Plaintiffs with proper and accurate
20 accountings reflecting the amount of revenues derived from the distribution and
21 exploitation of the Film and associated music, merchandise and other rights.
22 Instead, Defendants have intentionally provided false and fraudulent profit
23 participation statements to Plaintiffs.

24 72. The false and fraudulent profit participation statements submitted by
25 Defendants are cumulative, and entitle Plaintiffs to an accurate and truthful
26 accounting showing how the current cumulative numbers were calculated.

27 73. Plaintiffs are entitled to an order requiring Defendants to provide their
28 complete books and records of account in all details.

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COUNT V

**Declaratory Judgment of Non-Infringement, 28 U.S.C. § 2201, et seq.
(Against Vivendi and Canal)**

74. Plaintiffs repeat and reallege the allegations set forth in Paragraphs 1 through 73 above, as if fully set forth herein.

75. In 1984, Defendants' predecessor-in-interest Embassy filed a trademark application with the United States Patent and Trademark Office (USPTO) for the mark SPINAL TAP in connection with entertainment services rendered by a musical group. The federal registration for that mark (Registration No. 1311537) was cancelled by the USPTO in 1991 as shown in Exhibit 1 hereto.

76. In early 2000, Defendants' predecessor-in-interest, Canal + D.A., a Vivendi subsidiary, filed certain trademark applications with the USPTO for the mark SPINAL TAP in connection with, *inter alia*, entertainment services in the nature of live musical performances by a group, videotape and film production of live musical performances, and certain merchandising associated with the mark as shown in Exhibit 1 hereto.

77. In or about March 2002, Canal + D.A. filed an instrument with the USPTO stating that it had merged with StudioCanal Image, a French joint stock company and Vivendi subsidiary, and that it was conveying its rights to the applications and registrations for the SPINAL TAP marks to StudioCanal Image, as shown in Exhibit 2 hereto. StudioCanal Image, which subsequently merged into Canal, is identified by the USPTO as the last listed owner for federal registrations for those SPINAL TAP marks, now cancelled, Registration Nos. 2499728, 2463576, 2867023, 2881983 and 2881984.

78. Defendants subsequently abandoned the SPINAL TAP marks, resulting in the USPTO's cancellation of the federal registrations for those SPINAL TAP marks in 2011 and 2012 as shown in Exhibit 1 hereto. Defendants' abandonment of the SPINAL TAP marks is reflected by their discontinuation of use or enforcement

1 of the marks in the ordinary course of trade for at least three consecutive years
2 without intent to resume use.

3 79. Defendants' abandonment is further evidenced by the fact that
4 Defendants did not oppose an application filed on December 27, 2013 by Heretic
5 Brewing Company to register the mark SPINAL TAP for use in connection with
6 "beer" products, which mark was registered by the USPTO on April 7, 2015
7 (Registration No. 4717603) as shown in Exhibit 3 hereto.

8 80. Despite Defendants' abandonment of any trademarks rights related to
9 *This Is Spinal Tap*, including in and to the mark SPINAL TAP, Defendants have
10 sought selectively to claim rights to the marks against Plaintiffs, and have sought to
11 prevent Plaintiffs from performing or selling merchandise in association with the
12 marks SPINAL TAP or DEREK SMALLS unless Defendants grant a license and
13 receive payment for such use.

14 81. CPP, rejecting Defendants' claim of rights, has recently filed
15 applications with the USPTO for federal registration of the marks SPINAL TAP and
16 DEREK SMALLS -- which have been assigned serial numbers 87203893,
17 87203921, 87203942, and 87203958 -- for, *inter alia*, entertainment services in the
18 nature of live music concerts and dramatic, comedic and musical performances and
19 for certain merchandise as set forth in Exhibits 4 through 7 hereto.

20 82. A substantial controversy exists between the parties as to whether
21 Plaintiff CPP has the right to use and register the trademarks SPINAL TAP and
22 DEREK SMALLS in connection with entertainment performances and merchandise.
23 The controversy has sufficient immediacy and reality to warrant the issuance of a
24 declaratory judgment. A judicial declaration is necessary and appropriate at this
25 time in order that Plaintiff CPP may ascertain its rights and duties with respect to
26 the marks SPINAL TAP and DEREK SMALLS.

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JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues triable by right to a jury.

DATED: February 7, 2017

BALLARD SPAHR LLP

/s/ Peter L. Haviland

Peter L. Haviland

Attorneys for Plaintiffs
Century of Progress Productions,
Christopher Guest, Rob Reiner
Productions, United Heathen and
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CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2017, I electronically filed a true and correct copy of the foregoing **FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL** through the Court’s CM/ECF system, which will send a notice of electronic filing to all interested parties in the action through their counsel of record as follows:

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